

## **REMARKS**

Claims 1-42 are pending.

Claims 1-42 stand rejected.

Claims 43-64 have been cancelled without prejudice or disclaimer of the subject matter recited therein.

Claims 65-68 have been added.

Claims 12, 24, 32, 38, 40, and 42 have been amended for reasons other than patentability. Claim 12 has been amended for clarity. Claim 24 has been amended to substitute “product provider” for “institution”. Claim 32 has been amended to delete an element and to substitute “product provider” for “institution”. Claims 38, 40, and 42 have been amended to conform to amended claim 32.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 1-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,782,369 to Carrott (hereinafter “*Carrott*”) in view of U.S. Publication No. 20010032094 to Ghosh (hereinafter “*Ghosh*”). Applicants respectfully traverse the rejection.

For at least the reasons submitted below, Applicants respectfully submit that claims 1-42 and new claims 65-68 are allowable over *Carrott* in view of *Ghosh*.

*Carrott* teaches a “computer system and method of allocating commissions for sales made over the Internet and for dividing an otherwise indivisible Internet into defined geographic areas.” *Carrott*, Abstract. The computers system and method of *Carrott* more specifically teach “recording sales to exclusive geographic distribution/representation areas placed through an Internet web site”, “determining a value of [the] sales to each of [the] geographic distribution/representation areas”, and “allocating commissions based solely on [the] value of [the] sales delivered to each of [the] geographic distribution/representation areas.” *Id.*, claim 1.

*Ghosh* teaches “providing a centralized updated and current database that tracks all relevant information related to licensing of agents and agencies.” *Ghosh*, para. 0013. “The present

invention further provides agents with information relative to their license status, and requirements for maintaining their certification.” *Id.* *Ghosh* teaches a system that “provides a licensing information system that can be used for tracking and maintaining all relevant information regarding a particular individual and their licensing status in addition to relevant information regarding different commercial insurance organizations.” *Id.*, para. 0014. *Ghosh* also teaches that the system “has unique and extensive reporting capabilities that facilitate a display of information in a user friendly manner” such as “for state reporting requirements.” *Id.*, paras. 0016 and 0049.

Assuming, without admitting, that the combination of *Carrott* and *Ghosh* is appropriate, Applicants respectfully submit that the combination of *Carrott* and *Ghosh* fail to teach or suggest the present invention and fail to achieve the purpose of the present invention.

#### **Claim 1.**

The combination of *Carrott* and *Ghosh* results in a system and method that provides commissions to a distributor, store and retrieves licensing information about the distributor, and generates reports regarding, for example, “state licensing requirements”. *Ghosh*, para. 0050. However, simply tracking a sale to a distributor and managing the distributor’s licensing information as taught by the combination of *Carrott* and *Ghosh* does not in and of itself determine whether or not a distributor has a valid license “to sell products associated with [a] sales transaction” to obtain a commission for the sales transaction. Claim 1. The combination of *Carrott* and *Ghosh* still suffers from deficiencies identified in the Background of the Present Application.

**Thus, contrary to the combination of *Carrott* and *Ghosh*, to determine whether a distributor has a valid license, in addition to merely obtaining licensing information, the system must also determine, for example, “if a party associated with said sales transaction has a valid license to sell products associated with the sales transaction.”** *Carrott* in combination with *Ghosh* (“*Carrott/Ghosh combination*”) fail to teach or suggest how to apply the licensing information to a distributor. In contrast to the *Carrott/Ghosh combination*, Claim 1 recites “a licensing module **configured to determine if a party associated with said sales transaction has a valid license to sell products** associated with the sales transaction” and “a payment module **for determining payment associated with said sales transaction to said party in accordance** with (i) a determination of said commission amounts determined by said commission module and (ii) a

**determination by said licensing module of whether said party has a valid license to sell the products associated with said sales transaction.”**

Thus, the combination of *Carrott* and *Ghosh* is missing elements of Claim 1.

In summary, Applicants respectfully submit that *Carrott* in combination with *Ghosh* only relevantly teach determining commissions for distributors on a geographic basis and obtaining licensing information. Since, (1) the *Carrott/Ghosh combination* fails to teach or suggest “a licensing module configured to determine if a party associated with said sales transaction has a valid license to sell products associated with the sales transaction”, (2) fail to teach “a payment module for determining payment associated with said sales transaction to said party in accordance with (i) a determination of said commission amounts determined by said commission module and (ii) a determination by said licensing module of whether said party has a valid license to sell the products associated with said sales transaction”, and (3) use of hindsight in view of the present application is impermissible, the present invention of Claim 1 is allowable over the *Carrott/Ghosh combination*.

#### **Claim 12.**

Applicants also respectfully submit that independent Claim 12 is allowable. Applicants respectfully submit that the **Office Action provides no support for rejecting Claim 12.**

Applicants respectfully submit that the *Carrott/Ghosh combination* teaches determining commissions for distributors on a geographic basis and obtaining licensing information. However, Applicants respectfully submit that the *Carrott/Ghosh combination* neither teaches nor suggests “a distributor management engine configured to obtain at least one of said plurality of data objects from said database source and **determine whether said at least one distributing party conforms with said at least one selling agreement and said at least one license or appointment is valid** to allow the at least one distributing party to sell one or more products of the first party in accordance with the selling agreement.” Applicants respectfully request the Examiner to provide specific references in *Carrott* or *Ghosh* that teach or suggest the invention embodiment of Claim 12 or withdraw the rejection.

#### **Claim 32.**

Applicants also respectfully submit that independent Claim 32 is allowable. Applicants respectfully submit that the **Office Action provides no support for rejecting Claim 32.**

Applicants respectfully submit that the *Carrott/Ghosh combination* teaches determining commissions for distributors on a geographic basis and obtaining licensing information. However, Applicants respectfully submit that the *Carrott/Ghosh combination* neither teaches nor suggests “a licensing and appointment module **configured to determine if said at least one license or appointment data object associated with said at least one distributor is in compliance with a set of industry regulations.**” Applicants respectfully request the Examiner to provide specific references in *Carrott* or *Ghosh* that teach or suggest the invention embodiment of Claim 32 or withdraw the rejection.

For at least the foregoing reasons, Applicants respectfully request withdrawal of the rejection of claims 1, 12, and 32 and claims directly or indirectly dependent therefrom.

### **CONCLUSION**

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned at 512-338-9100.

#### **CERTIFICATE OF TRANSMISSION**

I hereby certify that on February 6, 2009 this correspondence is being transmitted via the U.S. Patent & Trademark Office's electronic filing system.

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Respectfully submitted,

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